IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.1252 OF 2007
IN
COMPANY PETITION NO.351 OF 1997

Everest Advertising (P)Ltd. ..Petitioner.

And

J.K.Jolly & R.K.Meena ..Applicants.

V/s.

The Official Liquidator of
M/s. AVI Industries Ltd. ..Respondents.

Mr.Simil Purohit with Kishore R.Nemade for applicants.

Ms.Pratibha Mehta ii/b. Little & Co. for respondent.

Mr.Kedar Dighe for Official Liquidator.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 5, 2007.

P.C. :

1. In so far as reliefs in terms of prayer clauses (b) and (c) are concerned, I have no difficulty in accepting that request of the Applicants, as they have been appointed as local Commissioners by Company Law Board to enquire into the affairs of the Respondent-Company and related matters.

2. However, in so far as prayer clause (a) is concerned, the same cannot be accepted as it is. For

the time being, however, the Applicants, who are local Commissioners are permitted to assist the Official Liquidator, High Court, Mumbai to conduct enquiries, as may be required by the Official Liquidator. The Official Liquidator shall be free to take into account the materials produced by the Applicants herein. In so far as the relief of attachment and taking custody of the immovable/movable properties belonging to the Respondent-company, which is in liquidation, even that relief is granted. However, for attachment and taking over possession of such properties, procedure will be followed by the Official Liquidator, in which the Applicants may be free to assist the Official Liquidator.

3. In so far as the immovable/movable properties of the Ex-director Rohit Kumar Arora, Avinash Arora, Rakesh Arora, Inderpal or any other relatives or such other persons and/or beneficiaries of the said ex-directors are concerned, that relief can be considered after further report is submitted by the Official Liquidator on the basis of materials made available to him either by the applicants or any other independent sources, which would suggest that such movable and immovable properties have been

procured/purchased in the name of ex-directors or any such persons from or out of the funds of the Respondent-company. If such report is filed further appropriate orders can be passed, as may be warranted.

4. According to the Applicants, they have reason to believe that the ex-directors of the Respondent-company are likely to appear before Dr.Sudhir Kumar Jain, ADJ, Delhi in Execution Petition No.40 of 2002 on 7th December, 2007. The Economic Offence Wing, which is in control of the Criminal action pending against the ex-directors is expected to take appropriate steps, as may be advised, who has been so far complaining about non-availability of the whereabouts of the ex-directors.

5. Application disposed of on the above terms.

(A.M.KHANWILKAR,J)